

Juvenile Recodification Part II

2022 General Session

Title/Chapter/Part	Section	Title	Changes
Title 26		Utah Health Code	
Chapter 18		Medical Assistance Act	
Part 7		Medical Assistance Under Adoption Assistance Agreement	
	26-18-701	Definitions.	New section from Subsection 62A-4a-709(1)
	26-18-702	Duties of division and Workforce Development Division.	New section from Subsection 62A-4a-709(2)
	26-18-703	Medical assistance identification for federal adoption assistance agreement – Penalty for fraudulent claim.	Renumbered and amended Section 62A-4a-709
Title 36		Legislature	
Chapter 33		Child Welfare Legislative Oversight Panel	
	36-33-101	Title.	New section
	36-33-102	Definitions.	New section
	36-33-103	Child Welfare Legislative Oversight Panel – Creation – Membership – Interim rules – Per diem – Staff support.	New section from Subsections 62A-4a-207(1), (9), and (10)
	36-33-104	Panel powers and duties – Record access and confidentiality.	Renumbered and amended Section 62A-4a-207
Title 62A		Utah Human Services Code	
Chapter 1		Department of Human Services	
Chapter 2		Licensure of Programs and Facilities	
	62A-2-101	Definitions.	Amended section
	62A-2-108.6	Child-placing agency license requirements – Prohibited acts.	Renumbered and amended Section 62A-4a-602
	62A-2-115.1	Injunctive relief for unlawful child placing – Enforcement by county attorney or attorney general.	Renumbered and amended Section 62A-4a-603
	62A-2-115.2	Child-placing agency proof of authority in a proceeding.	Renumbered and amended Section 62A-4a-605
	62A-2-126	Child-placing agency regulation – Notice to potential adoptive parents.	Renumbered and amended Section 62A-4a-607 with addition of Section 62A-4a-609
	62A-2-127	Child-placing agency responsibility for educational services – Payment of costs.	Renumbered and amended Section 62A-4a-606
Chapter 4a		Juvenile Services	

	62A-4a-101.5	Juvenile services.	New section
Title 63G		General Government	
Chapter 2		Government Records Access and Management Act	
Part 3		Classification	
	63G-2-302	Private records.	Amended section
Title 76		Utah Criminal Code	
Chapter 7		Offenses Against the Family	
Part 2		Nonsupport and Custody of Children	
	76-7-205	Prohibition of unregulated custody transfer – Penalty.	Renumbered and amended Section 62A-4a-711
Title 78A		Judiciary and Judicial Administration	
Chapter 2		Judicial Administration	
Part 8		Guardian Ad Litem	
	78A-2-801	Definitions.	Amended section
	78A-2-802	Office of Guardian ad Litem – appointment of director – Duties of director – Contracts in second, third, and fourth districts.	Amended section
	78A-2-803	Appointment of attorney guardian ad litem – Duties and responsibilities – Training – Trained staff and court-appointed special advocate volunteers – Costs – Immunity – Annual report.	Amended section
Chapter 6		Juvenile Court Act	
Part 1		General Provisions	
	78A-6-103	Original jurisdiction of the juvenile court – Magistrate functions – Findings – Transfer of a case from another court.	Amended section
Part 3a		Juvenile Court Proceedings	
	78A-6-351	Summons – Service and process – Issuance and contents – Notice to absent parent or guardian – Emergency medical or surgical treatment – Compulsory process for attendance of witnesses when authorized.	Amended section
	78A-6-356	Child support obligation when custody of a child is vested in an individual or institution.	Amended section with addition of Subsection 62A-4a-114(2)
	78A-6-357	New hearings – Modification of order or decree – Requirements for changing or terminating custody, probation, or protective supervision.	Amended section
Title 80		Utah Juvenile Code	
Chapter 1		General Provisions	

	80-1-102	Definitions.	Amended section with additions of Subsections 62A-4a-101(4), (27), and (41), and 62A-4a-601(1) and (2)
Chapter 2		Child Welfare Services	
Part 1		General Provisions	
	80-2-101	Title.	Amended section
	80-2-102	Definitions.	Renumbered and amended Section 62A-4a-101
Part 2		Division of Child and Family Services	
	80-2-201	Creation of the division.	Renumbered and amended Section 62A-4a-103
	80-2-202	Division director – Qualifications – Responsibilities.	Renumbered and amended Section 62A-4a-104
Part 3		Division Responsibilities	
	80-2-301	Division responsibilities.	Renumbered and amended Section 62A-4a-105 with the addition of a portion of Subsection 62A-4a-103(1)(b), and Subsections 62A-4a-106(1) through (3), Subsections 62A-4a-110(1) and (2)(b) through (d)
	80-2-302	Division rulemaking authority – Family impact statement.	Renumbered and amended Section 62A-4a-102 with the addition of Sections 62A-4a-119 and 62A-4a-120
	80-2-303	Division enforcement authority – Attorney general responsibilities.	Renumbered and amended Section 62A-4a-113 with addition of Subsection 62A-4a-114(4)

	80-2-304	Administrative proceedings.	Renumbered and amended Section 62A-4a-115
	80-2-305	Fraudulently obtained services – Division recovery – Agreement with Office of Recovery Services.	Renumbered and amended Section 62A-4a-111
	80-2-306	Division in-home services for the preservation of families.	Renumbered and amended Section 62A-4a-202
	80-2-307	Division reimbursement of motor vehicle insurance coverage for a foster child.	Renumbered and amended Section 62A-4a-121
	80-2-308	Division responsibility for normalizing lives of children.	Renumbered and amended Section 62a-4a-212 with addition of Sections 62A-4a-210 and 62A-4a-211
Part 4		Division Employees and Volunteers	
	80-2-401	Employees – Failure to comply with law, rule, or division policy – Termination.	Renumbered and amended Section 62A-4a-105.5
	80-2-402	Child welfare training coordinator – Mandatory education and training of child welfare caseworkers – Development of curriculum.	Renumbered and amended Section 62A-4a-107 with addition of Subsection 62A-4a-205(8)(b)
	80-2-403	Child welfare caseworker safety and risk assessment.	Renumbered and amended Section 62A-4a-203.1
	80-2-404	Division volunteers – Reimbursement.	Renumbered and amended Section 62A-4a-110
	80-2-405	Private recruitment and training of foster care parents and child welfare volunteers – Extension of immunity.	Renumbered and amended Section 62A-4a-107.5
Part 5		Funds, Accounts, and Grant Programs	
	80-2-501	Children’s Account.	Renumbered and amended Section 62A-4a-309 with the addition of Section 62A-4a-310
	80-2-502	Choose Life Adoption Support Restricted Account.	Renumbered and amended Section 62A-4a-608

	80-2-503	Division contracts for prevention and treatment of child abuse and neglect – Requirements – Public hearing – Funding provided by contractor.	New section from Sections 62A-4a-301 through 308
	80-2-503.5	Psychotropic medication oversight pilot program.	Renumbered and amended Section 62A-4a-213
Part 6		Child Abuse and Neglect Reports	
	80-2-601	Legislative purpose.	Renumbered and amended Section 62A-4a-401
	80-2-602	Definitions.	Renumbered and amended Section 62A-4a-402
	80-2-603	Child abuse and neglect reporting requirements – Exceptions.	Renumbered and amended Section 62A-4a-403 with addition of Subsection 62A-4a-412(5)
	80-2-604	Fetal alcohol syndrome or spectrum disorder and drug dependency reporting requirements.	Renumbered and amended Section 62A-4a-404 with the addition of Subsection 62A-4a-412(5)
	80-2-605	Death of a child reporting requirements.	Renumbered and amended Section 62A-4a-405
	80-2-606	Written reports.	Renumbered and amended Section 62A-4a-408
	80-2-607	Division pre-removal investigation – Convening of child protection team.	Renumbered and amended Section 62A-4a-409
	80-2-608	Division pre-removal interview of a child – Support person for the child – Notice – Recording.	Renumbered and amended Section 62A-4a-414 with the addition of Subsection 62A-4a-409(8)
	80-2-609	Health care provider photographs of abuse or neglect.	Renumbered and amended Section 62A-4a-406
	80-2-610	Confidential identify of person who reports.	New section from Subsection 62A-4a-412(3)(a)
	80-2-611	Failure to report – Threats and intimidation – Penalties.	Renumbered and amended Section 62A-4a-411

	80-2-612	Immunity from liability for a report – Exception.	Renumbered and amended Section 62A-4a-410
	80-2-613	False reports – Investigation – Notice of penalties.	Renumbered and amended Section 62A-4a-1007
Part 7		Division Child Placing and Adoption Services	
	80-2-701	Definitions.	Renumbered and amended Section 62A-4a-902 with addition of Subsections 62A-4a-101(2), 62A-4a-106(6)(a), and 62A-4a-205.5(1)
	80-2-702	Division authority to engage in child placing and adoptive services – Best interest of the child – Restrictions on placement of a child.	New section based on Subsections 62A-4a-205.6(4), 62A-4a-602(6)(b) and (c), and Subsections 62A-4a-205.5(2) and (3)
	80-2-703	Division promotion of adoption – Adoption research and informational pamphlet.	New section with Subsections 62A-4a-607(1), (2), and (3)(d) and (e)
	80-2-704	Division post-adoption services and contracts – Access to health care for child adopted from division custody.	Renumbered and amended Section 62A-4a-106 with addition of Subsection 62A-4a-205.6(3)
	80-2-705	Adoption assistance – Eligibility – Rulemaking authority.	Renumbered and amended Section 62A-4a-903 with addition of Sections 62A-4a-901 and 62A-4a-904
	80-2-706	Supplemental adoption assistance – Department advisory committee.	Renumbered and amended Section 62A-4a-905
	80-2-707	Termination or modification of adoption assistance.	Renumbered and amended Section 62A-4a-906
	80-2-708	Interstate compact federal adoption assistance agreements.	Renumbered and amended Section 62A-4a-907
Part 8		Interstate Compact on Placement of Children	
	80-2-801	Division as public authority under Article III of Interstate Compact.	Renumbered and amended Section 62A-4a-703

	80-2-802	Director as authority under Article V of Interstate Compact.	Renumbered and amended Section 62A-4a-704
	80-2-803	Executive director as authority under Article VII of Interstate Compact.	Renumbered and amended Section 62A-4a-707
	80-2-804	Interstate Compact on Placement of Children – Text.	Renumbered and amended Section 62A-4a-701
	80-2-805	Financial responsibility for child placed under Interstate Compact.	Renumbered and amended Section 62A-4a-702
	80-2-806	Fulfillment of requirements under Interstate Compact.	Renumbered and amended Section 62A-4a-705
	80-2-807	Jurisdiction over delinquent children under Interstate Compact.	Renumbered and amended Section 62A-4a-706
	80-2-808	Existing authority for child placement continues.	Renumbered and amended Section 62A-4a-708
	80-2-809	Interjurisdictional home study report.	Renumbered and amended Section 62A-4a-710
Part 9		Division and Child Welfare Records	
	80-2-901	Definitions.	Renumbered and amended Section 62A-4a-1002 with addition of Subsection 62A-4a-1004(2)
	80-2-902	Management Information System – Contents – Classification of records – Access.	Renumbered and amended Section 62A-4a-1003
	80-2-903	Licensing Information System – Contents – Classification of records – Access.	Renumbered and amended Section 62A-4a-1006 and Subsection 62A-4a-1005(1)(b)
	80-2-904	Deletion or expungement of information or reports in Management Information System or Licensing Information System.	Renumbered and amended Section 62A-4a-1008 with addition of Subsections 62A-4a-1005(3)(b) and (e)
	80-2-905	Classification of reports of alleged abuse and neglect – Access – Admitting reports into evidence.	Renumbered and amended Section 62A-4a-412

	80-2-906	Sharing of records with Indian tribe under agreement.	New section from Subsection 62A-4a-105(1)(f)
	80-2-907	Request to examine division services payment – Access to related records.	Renumbered and amended Section 62A-4a-112
	80-2-908	Unlawful use, access, or sharing of division records – Penalties.	New section from Subsections 62A-4a-412(2) and (4), 62A-4a-1006(7), and 62A-4a-112(1) and (4)
Part 10		Child Welfare Services Improvement and Oversight	
	80-2-1001	Child Welfare Improvement Council – Creation – Membership – Expenses.	Renumbered and amended Section 62A-4a-311
	80-2-1002	Performance monitoring system – Report.	Renumbered and amended Section 62A-4a-117
	80-2-1003	Annual review of child welfare referrals and cases by department – Review by legislative auditor general – Reports.	Renumbered and amended Section 62A-4a-118
	80-2-1004	Child protection ombudsman – Responsibility – Authority – Report.	Renumbered and amended Section 62A-4a-208
Chapter 3		Abuse, Neglect, and Dependency Proceedings	
Part 1		General Provisions	
	80-3-102	Definitions.	Amended section
	80-3-104	Individuals entitled to be present at proceedings – Legal representation – Attorney general responsibilities.	Amended section
	80-3-109	Physical or mental health examination during proceedings – Division duties.	Amended section
	80-3-111	Division access to criminal background information for placement and investigation.	Renumbered and amended Section 62A-4a-202.4
Part 1a		Protective Custody and Post-removal Investigation	
	80-3-150	Rights of parents – Children’s rights – Interest and responsibility of the state.	Renumbered and amended Section 62A-4a-201
	80-3-151	Removal of a child by a peace officer or child welfare caseworker – Search warrants – Protective custody and temporary care of a child.	Renumbered and amended Section 62A-4a-202.1
	80-3-152	Physician removal of a child – Protective custody of a child in a medical facility.	Renumbered and amended Section 62A-4a-407

	80-3-153	Notice upon issuance of a warrant or removal of a child – Locating noncustodial parent – Information provided to parent, guardian, or responsible adult.	Renumbered and amended Section 62A-4a-202.2 with the addition of Subsections 62A-4a-202.1(10) and a portion of 62A-4a-407(3)
	80-3-154	Division's emergency placement of a child – Background checks.	Renumbered and amended Section 62A-4a-209 with the addition of Subsection 62A-4a-202.1(4)(d)
	80-3-155	Post-removal investigation – Supported or unsupported reports.	Renumbered and amended Section 62A-4a-202.3
	80-3-156	Child protection team meeting – Purpose – Timing.	Renumbered and amended Section 62A-4a-202.8 with addition of Subsection 62A-4a-202.3(6)(b)
	80-3-157	Division post-removal interview of a child – Support person for the child – Recording.	New section from Subsection 62A-4a-202.3(7)
	80-3-158	Law enforcement interview of a child in division's custody.	Renumbered and amended Section 62A-4a-415
	80-3-159	Supported finding of child abuse or neglect – Notice to alleged perpetrator – Rights of alleged perpetrator – Administrative review – Joinder in juvenile court.	Renumbered and amended Section 62A-4a-1009
	80-3-160	Supported finding of a severe type of child abuse or neglect – Notation in Licensing Information System – Juvenile court petition or notice to alleged perpetrator – Rights of alleged perpetrator.	Renumbered and amended Section 62A-4a-1005
	80-3-161	Conflict child protective services investigations – Authority of investigators.	Renumbered and amended Section 62A-4a-202.6
	80-3-162	Reasonable efforts to maintain the child in home – Exception – Reasonable efforts for reunification.	Renumbered and amended Section 62A-4a-203
	80-3-163	Process for removal of a child from foster family – Procedural due process.	Renumbered and amended Section 62A-4a-206

	80-3-164	Child missing from division custody.	Renumbered and amended Section 62A-4a-206.5
Part 2		Petition alleging abuse, neglect, or dependency.	
	80-3-201	Petition – Who may file – Timing – Dismissal – Notice.	Amended section
Part 3		Shelter Proceedings and Placement of a Child	
	80-3-301	Shelter hearing – Court considerations.	Amended section
	80-3-302	Shelter hearing – Placement of a child.	Amended section with addition of Section 62A-4a-206.1
	80-3-305	Criminal background checks necessary before out-of-home placement of a child.	Amended section
	80-3-307	Child and family plan developed by division – Parent-time and relative visitation.	Renumbered and amended Section 62A-4a-205
Part 4		Adjudication, Disposition, and Permanency	
	80-3-404	Finding of severe child abuse or neglect – Order delivered to division – Court records.	Amended section
	80-3-406	Permanency plan – Reunification services.	Amended section
	80-3-410	Adoptive placement time frame – Division contracts with child-placing agencies.	Renumbered and amended Section 62A-4a-205.6
Part 5		Miscellaneous Hearings	
	80-3-504	Notice and opportunity for court hearing for individuals listed in Licensing Information System.	Renumbered and amended Section 62A-4a-1010 with addition of Subsections 80-3-404(3) and (6)(b) and part of Subsection 80-3-404(5)
Chapter 4		Termination and Restoration of Parental Rights	
Part 1		General Provisions	
	80-4-105	Effect of decree.	Amended section
	80-4-106	Individuals entitled to be present at proceedings – Legal representation – Attorney general responsibilities.	Amended section
	80-4-107	Record of proceedings – Written reports and other materials – Statements of a child.	Amended section
Part 3		Termination and Post-termination of Parental Rights	
	80-4-305	Court disposition of a child upon termination of parental rights – Posttermination reunification.	Amended section

Part 5		Safe Relinquishment of a Newborn Child	
	80-4-501	Definitions.	Renumbered and amended Section 62A-4a-801
	80-4-502	Safe relinquishment of a newborn child.	Renumbered and amended Section 62A-4a-802
Chapter 5		Juvenile Justice Services	
Part 6		Runaways and Ungovernable Children	
	80-5-601	Harboring a runaway – Reporting requirements – Division of Child and Family Services to provide assistance – Affirmative defense – Providing shelter after notice.	Amended section
Chapter 6		Juvenile Justice	
Part 7		Adjudication and Disposition	
	80-6-707	Suspension of driving privileges.	Amended section
	80-6-710	Restitution – Requirements.	Amended section
	80-6-712	Time periods for supervision of probation or placement – Termination of continuing jurisdiction.	Amended section
Part 8		Commitment and Parole	
	80-6-802	Commitment to secure care – Rights of juvenile offenders in secure care.	Amended section
Part 10		Juvenile Records and Expungement	
	80-6-1002	Vacatur of adjudications.	Amended section
	80-6-1004	Requirements to apply to expunge an adjudication.	Amended section
Part 11		Interstate Compact for Juveniles	
	80-6-1101	Interstate Compact for Juveniles – Execution of compact.	Renumbered and amended Section 55-12-100
	80-6-1102	Article 1 – Purpose.	Renumbered and amended Section 55-12-101
	80-6-1103	Article 2 – Definitions.	Renumbered and amended Section 55-12-102
	80-6-1104	Article 3 – Interstate Commission for Juveniles.	Renumbered and amended Section 55-12-103
	80-6-1105	Article 4 – Powers and duties of the Interstate Commission.	Renumbered and amended Section 55-12-104
	80-6-1106	Article 5 – Organization and operation of the Interstate Commission.	Renumbered and amended Section 55-12-105

	80-6-1107	Article 6 – Rulemaking functions of the Interstate Commission.	Renumbered and amended Section 55-12-106
	80-6-1108	Article 7 – Oversight, enforcement, and dispute resolution by Interstate Commission.	Renumbered and amended Section 55-12-107
	80-6-1109	Article 8 – Finance.	Renumbered and amended Section 55-12-108
	80-6-1110	Article 9 – State council.	Renumbered and amended Section 55-12-109
	80-6-1111	Article 10 – Compacting states, effective date, and amendment.	Renumbered and amended Section 55-12-110
	80-6-1112	Article 11 – Withdrawal, default, termination, and judicial enforcement.	Renumbered and amended Section 55-12-111
	80-6-1113	Article 12 – Severability and construction.	Renumbered and amended Section 55-12-112
	80-6-1114	Article 13 – Binding effect of compact and other laws.	Renumbered and amended Section 55-12-113
	80-6-1115	Juvenile compact administrator.	Renumbered and amended Section 55-12-114
	80-6-1116	Supplementary agreements.	Renumbered and amended Section 55-12-115
	80-6-1117	Financial arrangements.	Renumbered and amended Section 55-12-116
	80-6-1118	Responsibility of parents.	Renumbered and amended Section 55-12-117
	80-6-1119	Responsibilities of state courts, departments, agencies, and officers.	Renumbered and amended Section 55-12-118